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In re Application of
GAYLE, Richard B., III, et al.
Application No.: 09/807,660
PCT No.: PCT/US99/23641
Int. Filing Date: 13 October 1999
Priority Date: 16 October 1998
Attorney Docket No.: P23,495 USA
For: METHODS OF INHIBITING
PLATELET ACTIVATION AND
RECRUITMENT

DECISION ON

PETITION UNDER

37 CFR 1.181

This is a decision on applicants' "Resubmission of Reply to Notification of Defective Response Dated April 22, 2003," filed in the United States Patent and Trademark Office (USPTO) on 19 November 2003.

BACKGROUND

On 13 October 1999, applicants filed international application PCT/US99/23641, which claimed a priority date of 16 October 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 15 May 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 April 2001.

On 16 April 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 01 June 2001, USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant had not furnished the required sequence listing.

On 06 September 2001, applicants furnished a sequence listing and a declaration.

On 11 January 2002, the Office mailed Notice of Acceptance (Form PCT/DO/EO/903) indicating that the application's 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements were met on 06 September 2001.

On 31 December 2002, the Office mailed Notification of Defective Response, indicating that the sequence listing did not comply with 37 CFR 1.821-1.825.

On 27 January 2003, applicants submitted "Reply to Notification of Defective Response," accompanied by the necessary statement, a CRF and a written copy of the sequence listing.

On 22 April 2003, the Office mailed Notification of Defective Response (From PCT/DO/EO/916) indicating that the CRF was defective as the CD was melted.

On 07 November 2003, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909), indicating the application went abandoned for failure to respond to the 22 April 2003 Notification of Defective Response.

On 19 November 2003, applicant submitted "Resubmission of Reply to Notification of Defective Response," accompanied by a new CRF and the necessary statement.

DISCUSSION

A petition under 37 CFR 1.181 must be accompanied by copies of what is claimed to have been earlier submitted and evidence that those papers were submitted at an earlier point.

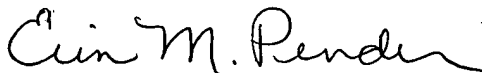
Applicant has submitted a copy of a postcard receipt identifying the instant application by title, inventor and serial number, stamped 28 May 2003 and listing a diskette. This is adequate evidence that the listed item was received by the Office on 28 May 2003. Applicant indicates that the enclosed are true copies of the 28 May 2003 submission and the statement is signed by someone registered to practice before the Office.

The sequence listing has been entered.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including issuance of a new Notification of Acceptance indicating that the application's 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements were met on 06 September 2001.



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